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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

|                                  |   |                               |
|----------------------------------|---|-------------------------------|
| RAYMOND WARE,                    | ) | CIVIL NO. 04-00671 HG/LEK     |
|                                  | ) |                               |
| Plaintiff,                       | ) | <b>DECLARATION OF COUNSEL</b> |
|                                  | ) |                               |
| vs.                              | ) |                               |
|                                  | ) |                               |
| MICHAEL CHERTOFF, Secretary,     | ) |                               |
| Department of Homeland Security; | ) |                               |
| JOHN DOES 2-5,                   | ) |                               |
|                                  | ) |                               |
| Defendants.                      | ) |                               |
|                                  | ) |                               |
|                                  | ) |                               |
|                                  | ) |                               |

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**DECLARATION OF COUNSEL**

I, Daphne E. Barbee, declare under penalty of perjury as follows:

1. Declarant is the attorney who represented Plaintiff Raymond Ware in the above-entitled matter which went to trial March 11, 2008 through March 20, 2008.
2. Judgment in this matter was entered in March 27, 2008 against

defendant Department of Homeland Security.

3. Along with this declaration, plaintiff will be submitting his bill of costs to this Court for consideration.

4. Pursuant to Local Rule 54.2(f) Taxation of Costs, plaintiff is required to submit a declaration regarding the documents copied in this action.

5. Plaintiff has copied approximately 4,424 pages at \$0.15 a copy. The documents copied have been correspondence, pleadings, motions, memorandums, and document productions. The total cost for copying is \$663.60.

6. Pursuant to Rule 54(d), "Costs shall be allowed as a course to prevailing party unless the Court otherwise directs".

7. Under 28 U.S.C. Sec. 1920, costs shall include: 1) fees of the clerk and marshall, 2) fees of a court reporter for all transcripts necessarily obtained for use in the case, 3) fees and disbursements for printing and witnesses, 4) fees for exemplification and copies of papers, 5) docket fees. See Alflex Corp. v. Underwriters Labs Inc., 914 F.2d 175, 177 (9<sup>th</sup> Cir. 1990).

8. In the instant case plaintiff deposed Kenneth Kamahale in the amount of \$399.79, paid for deposition transcripts.

9. Plaintiff paid \$25.00 to have enlargements exemplifications of exhibits and instructions used in this case.

10. Plaintiff paid \$204.00 for filing fees and service of the complaint in

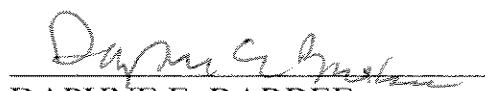
this action.

11. Five witnesses were subpoenaed to testify on behalf of plaintiff. Under 28 U.S.C. 1920(3) witness fees are allowable as taxable costs in the amount of \$40.00 a day. Accordingly plaintiff requests payment of costs to witnesses Haneef Abdul-Shafiq, Eli Walters, Terry Sundobal, Allen Wiley, and Mrs. Chu Ware for a total amount of \$200.00.

12. Pursuant to 28 U.S.C. Sec. 1746(2), I declare under penalty of perjury that the following foregoing is true and correct.

FURTHER DECLARANT SAYETH NAUGHT.

DATED: Honolulu, Hawaii 4-7-08

  
DAPHNE E. BARBEE  
Attorney for Plaintiff